

Before the Board of Supervisors County of Placer, State of California

In the matter of:
AMENDMENT TO PLACER COUNTY CODE
CHAPTER 17, ARTICLE 15.58, SECTION 17.58.160
PERTAINING TO PERMIT EXPIRATION

Ord. No: _____

First Reading: July 7, 2015

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

The Board of Supervisors of the County of Placer, State of California, does hereby ordain as follows:

SECTION 1: Placer County Code Chapter 17, Article 17.58, Section 17.58.160(B)(1) is hereby amended to add subsection (f) as follows:

- f. The holder of the permit requests tolling of the term due to litigation challenging the County's issuance of said permit. The tolling request must be submitted in writing to the Planning Division prior to the expiration of the term of the permit. The request must establish to the satisfaction of the Planning Director that the subject litigation challenges the County's grant of the underlying permit and has been filed by a plaintiff/petitioner other than the permit holder. In response to this request, the Planning Director may grant a one-time litigation tolling period not to exceed five (5) years. The tolling period shall be calculated from the date the action is filed with a court of competent jurisdiction until the court of final jurisdiction enters its final disposition of the case, such as entry of an order, judgment or final decision or the expiration of five (5) years, whichever is sooner.

SECTION 2: This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with government code section 25124.



COUNTY OF PLACER
Community Development/Resource Agency

PLANNING
SERVICES DIVISION

Michael J. Johnson, AICP
Agency Director

E.J. Ivaldi, Deputy Director

MEMORANDUM

TO: Placer County Board of Supervisors
FROM: Michael J. Johnson, AICP
Agency Director
DATE: July 7, 2015
SUBJECT: Zoning Text Amendment – Permit Expiration



ACTION REQUESTED

1. Introduce an Ordinance amending Chapter 17, Article 17.58, Section 17.58.160(B) (1) to add subsection (f) for a limited tolling of the permit time limit and find the proposed Ordinance exempt from environmental review pursuant to California Environmental Quality Act Guidelines section 15061(b) (3).

BACKGROUND

Section 17.58.160(B)(1) (Permit Expiration) of the Placer County Code outlines the provisions for the term limit and implementation of an approved permit. Approved permits for purposes of this section include administrative review permits, minor use permits, conditional use permits or variances ("Approved Permit"). Section 17.58.160(B) (1) establishes an initial 24-month validity period for implementation of an Approved Permit. This section currently provides five methods for such implementation:

- B. Permit Expiration. An approved administrative review permit, minor use permit, conditional use permit or variance is subject to the following time limits. It shall be the responsibility of the applicant alone to monitor the time limits and make diligent progress on the approved project, so as to avoid permit expiration.

1. Time Limit for Permit Implementation. An approved permit is valid for twenty-four months from its effective date (Section 17.58.140(D)), or for any other period specified by the granting authority in conditions of approval, or other provision of this chapter. At the end of twenty-four months, the permit shall expire and become void unless by that time:
 - a. The permit has been implemented because conditions of approval prerequisite to construction have been satisfied, any required building or grading permits have been issued, and a foundation inspection has been conducted and approved by the building official or a designee; or
 - b. The permit has been implemented because a use not requiring construction permits has been established on the site and is in operation as approved, and all conditions of approval prerequisite to establishment of the use have been satisfied; or

